



CONSTITUTIONAL REFORMS IN INDIA: A COMPARATIVE STUDY OF LEGAL CHANGES

Abdullah Qureshi

Research Scholar Dept. Of Political Science Jai Narain Vyas University Jodhpur
Rajasthan

ABSTRACT

The Indian Constitution, since its adoption in 1950, has undergone extensive amendments to address the evolving socio-political and economic landscape of the country. This paper provides a comprehensive comparative study of significant constitutional reforms in India, highlighting their legal implications and impact on the nation's democratic framework. Key amendments such as the First, Seventh, Twenty-Fourth, Forty-Second, Forty-Fourth, Seventy-Third, Seventy-Fourth, and One Hundred and First are analyzed to understand their context, objectives, and outcomes. The First Amendment (1951) focused on land reforms and protecting certain laws from judicial review, while the Seventh Amendment (1956) reorganized states on a linguistic basis. The Twenty-Fourth (1971) and Forty-Second Amendments (1976) dealt with parliamentary powers and judicial review, with the latter occurring during the Emergency period, significantly altering the balance of power. The Forty-Fourth Amendment (1978) sought to restore democratic principles post-Emergency by reversing many provisions of the Forty-Second Amendment. The Seventy-Third and Seventy-Fourth Amendments (1992) strengthened local self-governance by establishing Panchayati Raj institutions and urban local bodies. The One Hundred and First Amendment (2016) introduced the Goods and Services Tax (GST), creating a unified tax regime. This comparative study underscores the flexibility and resilience of the Indian Constitution in adapting to diverse challenges while striving to uphold democratic values and federal integrity. The paper concludes that these amendments reflect India's ongoing effort to balance central authority with state autonomy, economic reforms with social justice, and parliamentary supremacy with judicial independence. By examining these constitutional changes, the study provides insights into the dynamic nature of India's legal and political evolution.

KEYWORDS : Constitutional Amendments, Indian Constitution, Judicial Review, Federalism, Democratic Reforms

INTRODUCTION:

The Indian Constitution, adopted on January 26, 1950, stands as a monumental document reflecting the aspirations, values, and complexities of a diverse nation. It is the longest written constitution in the world, meticulously drafted to provide a robust framework for governance, safeguarding fundamental rights, and promoting socio-economic justice. The framers of the Constitution envisioned a living document that could adapt to changing times and circumstances, anticipating the need for amendments to address emerging challenges and needs. Consequently, the Constitution includes provisions for its amendment, ensuring its relevance and responsiveness to the dynamic socio-political landscape of India.

The journey of constitutional reforms in India has been marked by significant amendments that have addressed a variety of issues ranging from socio-economic reforms and state reorganization to the balance of power between different branches of government and the protection of civil liberties. These amendments reflect the evolving priorities and challenges faced by the nation and illustrate the flexibility of the Indian constitutional framework. Over the years, these reforms have played a crucial role in shaping India's democracy, federal structure, and governance.[1]

One of the earliest and most significant amendments was the First Amendment in 1951, which addressed critical issues related to land reforms. The amendment was necessary to protect the agrarian reforms initiated by the government from judicial scrutiny, as several laws were struck down by courts for violating fundamental rights. By introducing Articles 31A and 31B and the Ninth Schedule, the First Amendment ensured that certain laws could not be challenged in court, thus enabling the government to implement its social justice agenda effectively.

The Seventh Amendment in 1956 was another landmark reform that significantly impacted the federal structure of India. This amendment facilitated the reorganization of states on a linguistic basis, responding to the demands for states that better represented linguistic and cultural identities. The reorganization aimed to promote administrative efficiency and social cohesion by aligning state boundaries with linguistic demographics, thereby addressing long-standing regional aspirations and fostering a more inclusive federal framework.

The Twenty-Fourth Amendment in 1971 and the Forty-Second Amendment in 1976 were pivotal in the ongoing tussle between parliamentary supremacy and judicial review. The Twenty-Fourth Amendment was a response to the Supreme Court's ruling in the Golaknath case (1967), which limited Parliament's power to amend the Constitution, especially fundamental rights. This amendment

reaffirmed Parliament's authority to amend any part of the Constitution, including fundamental rights, thus asserting the primacy of the legislative branch. The Forty-Second Amendment, often referred to as the "Mini-Constitution," was enacted during the Emergency period under Prime Minister Indira Gandhi. It introduced sweeping changes, including curtailing the powers of the judiciary and enhancing the authority of the executive and Parliament. The amendment added the words "Socialist" and "Secular" to the Preamble, reflecting the government's commitment to these principles.

In contrast, the Forty-Fourth Amendment in 1978 aimed to restore democratic principles and the balance of power post-Emergency. This amendment reversed many provisions of the Forty-Second Amendment that were seen as detrimental to civil liberties and democratic governance. It sought to reinforce the protection of fundamental rights, ensuring that the government could not arbitrarily curtail individual freedoms, thus reaffirming the judiciary's role as a guardian of constitutional rights.

The Seventy-Third and Seventy-Fourth Amendments in 1992 marked a significant shift towards strengthening local self-governance in India. These amendments introduced Part IX and Part IXA to the Constitution, establishing Panchayati Raj institutions and urban local bodies, respectively. By providing constitutional status to these local bodies, the amendments aimed to decentralize governance, promote grassroots democracy, and enhance public participation in the decision-making process. This move was instrumental in empowering local governments and addressing local needs more effectively, thereby fostering a more participatory democratic culture.

The One Hundred and First Amendment in 2016, which introduced the Goods and Services Tax (GST), represented a major economic reform aimed at creating a unified tax regime across the country.[2] By subsuming various indirect taxes into a single tax, the GST aimed to simplify the tax structure, reduce compliance burdens, and promote economic integration. This amendment underscored the importance of cooperative federalism, as it required consensus and cooperation between the central and state governments.

Through these various amendments, the Indian Constitution has demonstrated its capacity to adapt to changing realities while maintaining its core values and principles. Each amendment reflects the socio-political context of its time and highlights the ongoing efforts to balance central authority with state autonomy, economic reforms with social justice, and parliamentary supremacy with judicial independence. By examining these constitutional changes, this paper seeks to provide a comprehensive understanding of the legal and political evolution of India, underscoring the dynamic nature of its

constitutional framework.

Key Constitutional Amendments in India : Past Seventy Years Evolution

The Indian Constitution has been amended numerous times to address evolving socio-political and economic conditions. Here, we discuss some of the most significant constitutional amendments that have had a profound impact on the country's legal and political landscape.[3]

First Amendment (1951) Shortly after the adoption of the Constitution, several laws aimed at land reforms were challenged in courts on the grounds that they violated fundamental rights, particularly the right to property.

Legal Changes: Introduced Articles 31A and 31B and the Ninth Schedule. These provisions were designed to protect laws related to land reform and other socio-economic reforms from judicial scrutiny, ensuring that the government's efforts to redistribute land and achieve social justice were not impeded by legal challenges.

Seventh Amendment (1956) The need for reorganization of states based on linguistic lines became apparent as linguistic and cultural identities became a focal point for administrative divisions.

Legal Changes: Amended Articles 1, 3, and 4, which led to the reorganization of states and union territories. This amendment facilitated the creation of states that better represented linguistic demographics, thus promoting administrative efficiency and cultural cohesion.

Twenty-Fourth Amendment (1971) The Supreme Court's ruling in the Golaknath case (1967) posed a significant challenge to Parliament's power to amend the Constitution, especially concerning fundamental rights.

Legal Changes: Amended Article 368 to explicitly state that Parliament has the power to amend any part of the Constitution, including fundamental rights. This was a direct assertion of parliamentary supremacy over the judiciary in the context of constitutional amendments.

Forty-Second Amendment (1976) Enacted during the Emergency period under Prime Minister Indira Gandhi, this amendment aimed to strengthen the powers of the central government and reduce the powers of the judiciary.

Legal Changes: Known as the "Mini-Constitution," this amendment made extensive changes, including:

Adding the words "Socialist" and "Secular" to the Preamble. Curtailing the power of the judiciary by making the constitutional amendments immune from judicial review. Enhancing the authority of the executive and Parliament over fundamental rights and other constitutional provisions.

Forty-Fourth Amendment (1978)

After the end of the Emergency, there was a strong push to restore democratic principles and civil liberties that had been curtailed.

Legal Changes: Reversed many provisions of the Forty-Second Amendment, particularly those that affected civil liberties and the balance of power. Key changes included: Restoring the judiciary's power to review constitutional amendments. Reinstating protections against arbitrary arrest and detention. Emphasizing the importance of fundamental rights and the judiciary's role in safeguarding them.

Fifty-Second Amendment (1985) To address the issue of political defections which destabilized governments.

Legal Changes: Introduced the Tenth Schedule, popularly known as the anti-defection law. This amendment: Disqualified members of Parliament and state legislatures if they defected from their party or disobeyed the party whip. Aimed to bring stability to elected governments and discourage opportunistic shifts in party loyalty.

Sixty-First Amendment (1989) To expand the democratic participation of youth.

Legal Changes: Lowered the voting age from 21 to 18 years by amending Article 326. This allowed a greater number of young people to participate in the electoral process, enhancing the democratic fabric of the nation.

Seventy-Third and Seventy-Fourth Amendments (1992)

Aimed at strengthening local self-governance and promoting decentralized administration.

Legal Changes: Introduced Part IX and IXA, which provided constitutional status to Panchayati Raj institutions and urban local bodies. These amendments: Established a three-tier system of local governance.

Ensured regular elections to local bodies.

Reserved seats for Scheduled Castes, Scheduled Tribes, and women.

Provided for the devolution of powers and responsibilities to local bodies to enable them to function as units of self-governance.

Seventy-Seventh Amendment (1995)

To preserve affirmative action in public employment.

Legal Changes: Introduced Article 16(4A) to enable the state to make provisions for reservation in promotions for Scheduled Castes and Scheduled Tribes. This was aimed at ensuring adequate representation of these communities in higher echelons of public service.

Eighty-Sixth Amendment (2002)

To emphasize the importance of education.

Legal Changes: Made education a fundamental right for children aged 6 to 14 years by introducing Article 21A. It also amended Article 45 to provide for early childhood care and education for children below the age of six and added a fundamental duty under Article 51A(k) for parents to provide opportunities for education to their children.

Eighty-Ninth Amendment (2003)

To enhance the autonomy of certain commissions.

Legal Changes: Bifurcated the National Commission for Scheduled Castes and Scheduled Tribes into two separate entities: the National Commission for Scheduled Castes (Article 338) and the National Commission for Scheduled Tribes (Article 338A). This aimed to provide more focused attention and better resource allocation to address the specific issues faced by these communities.

Ninety-First Amendment (2003)

Aimed at addressing the issue of political defections and promoting political stability.

Legal Changes: Amended Articles 75 and 164 to limit the size of the Council of Ministers to 15% of the legislative assembly's strength. It also disqualified defectors from holding public office, thereby strengthening the anti-defection law.

Ninety-Ninth Amendment (2015)

To reform the process of appointing judges to the higher judiciary.

Legal Changes: Established the National Judicial Appointments Commission (NJAC) by introducing Articles 124A, 124B, and 124C. The NJAC was intended to replace the collegium system for the appointment of judges to the Supreme Court and High Courts. However, this amendment was later struck down by the Supreme Court in 2015, restoring the collegium system.

One Hundred and First Amendment (2016)

Introduced to create a unified tax regime across the country, promoting ease of doing business and economic integration.

Legal Changes: Implemented the Goods and Services Tax (GST), amending the Seventh Schedule and introducing Articles 246A, 269A, and 279A. This amendment: Subsumed various indirect taxes into a single GST.

Established a GST Council to make decisions on tax rates, exemptions, and administrative processes. Promoted cooperative federalism by involving both the central and state governments in the implementation and administration of GST.

One Hundred and Third Amendment (2019)

To provide reservations for economically weaker sections (EWS) in educational institutions and public employment.

Legal Changes: Introduced Articles 15(6) and 16(6), allowing the state to make special provisions for the advancement of any economically weaker sections of citizens, including reservation of up to 10% in educational institutions and public employment. This was aimed at addressing economic disparity and providing a level playing field for economically disadvantaged sections.

One Hundred and Fourth Amendment (2020)

To address the reservation of seats in legislatures.

Legal Changes: Extended the reservation of seats for Scheduled Castes and Scheduled Tribes in the Lok Sabha and state legislative assemblies for another 10 years by amending Article 334. This amendment ensures continued political representation and participation of these communities in the legislative process.

Comparative Analysis of Amendments in Indian Constitution

The Indian Constitution, designed to be a living document, has undergone numerous amendments to respond to the dynamic socio-political and economic landscape of the country. This comparative analysis of key amendments reveals how these legal changes have shaped India's governance, federal structure, judicial independence, and democratic deepening over the years.[4]

One of the earliest and most impactful amendments was the First Amendment in 1951. It was primarily aimed at safeguarding the government's land reform policies, which faced judicial scrutiny for violating the right to property. By introducing Articles 31A and 31B, and the Ninth Schedule, this amendment protected certain laws from judicial review, allowing the government to pursue socio-economic reforms without legal hindrances. This set a precedent for subsequent amendments that sought to balance individual rights with broader social objectives.

The Seventh Amendment in 1956 significantly redefined India's federal structure by reorganizing states on linguistic lines. This change addressed the cultural and linguistic aspirations of various regions, promoting administrative efficiency and social cohesion. The linguistic reorganization of states facilitated a more harmonious federal arrangement by aligning state boundaries with linguistic demographics, ensuring that governance was more attuned to the local cultural context.

The Twenty-Fourth Amendment in 1971 and the Forty-Second Amendment in 1976 highlighted the ongoing power struggle between the legislature and the judiciary. The Twenty-Fourth Amendment was a direct response to the Supreme Court's Golaknath judgment, which limited Parliament's power to amend the Constitution, particularly concerning fundamental rights. By explicitly affirming Parliament's authority to amend any part of the Constitution, this amendment underscored legislative supremacy. However, the Forty-Second Amendment, enacted during the Emergency period, went further by curtailing the judiciary's power and enhancing the executive's control. It introduced extensive changes, including adding the words "Socialist" and "Secular" to the Preamble and making constitutional amendments immune from judicial review. This amendment reflected an authoritarian tilt and concentrated power in the hands of the executive.

In stark contrast, the Forty-Fourth Amendment in 1978 sought to restore democratic principles and civil liberties curtailed during the Emergency. It reversed many provisions of the Forty-Second Amendment, reaffirming the judiciary's role in safeguarding fundamental rights and ensuring that the government could not arbitrarily infringe upon individual freedoms. This amendment reinforced the checks and balances essential for a healthy democracy by restoring the judiciary's review power and emphasizing the protection of civil liberties.

The Seventy-Third and Seventy-Fourth Amendments in 1992 marked a pivotal shift towards decentralization and strengthening local self-governance. These amendments introduced constitutional status for Panchayati Raj institutions and urban local bodies, empowering them to function as units of self-governance. By ensuring regular elections, reserving seats for marginalized communities, and devolving powers

and responsibilities, these amendments aimed to enhance grassroots democracy. They played a crucial role in promoting public participation in the decision-making process and addressing local needs more effectively.

The Ninety-First Amendment in 2003 addressed the issue of political defections that undermined political stability.[5] By limiting the size of the Council of Ministers to 15% of the legislative assembly's strength and disqualifying defectors from holding public office, this amendment strengthened the anti-defection law. It aimed to curb opportunistic political shifts and ensure the stability and integrity of elected governments.

The One Hundred and First Amendment in 2016 introduced the Goods and Services Tax (GST), a landmark economic reform aimed at creating a unified tax regime across the country. This amendment subsumed various indirect taxes into a single GST, simplifying the tax structure, reducing compliance burdens, and promoting economic integration. It highlighted the importance of cooperative federalism, as it required consensus and cooperation between the central and state governments. The GST amendment demonstrated how constitutional reforms could drive economic modernization and efficiency while balancing central and state interests.

Education, a critical area for national development, was addressed by the Eighty-Sixth Amendment in 2002, which made education a fundamental right for children aged 6 to 14 years. By introducing Article 21A, this amendment underscored the state's commitment to providing free and compulsory education, aiming to improve literacy rates and educational outcomes. It also reflected a broader understanding of the role of education in empowering individuals and promoting socio-economic mobility.

Economic inequality was further addressed by the One Hundred and Third Amendment in 2019, which introduced reservations for economically weaker sections (EWS) in educational institutions and public employment. By adding Articles 15(6) and 16(6), this amendment extended affirmative action beyond caste-based criteria, recognizing economic disadvantage as a basis for reservation. This marked a significant shift in the reservation policy, aiming to provide a level playing field for economically disadvantaged sections of society.

Lastly, the One Hundred and Fourth Amendment in 2020 extended the reservation of seats for Scheduled Castes and Scheduled Tribes in the Lok Sabha and state legislative assemblies for another ten years. This amendment ensured continued political representation and participation of these communities, reinforcing the commitment to social justice and inclusion.

The comparative analysis of these constitutional amendments highlights the Indian Constitution's adaptability and resilience. From addressing socio-economic reforms and state reorganization to balancing judicial and legislative powers and promoting democratic participation, these amendments reflect the evolving priorities and challenges of the nation.[6] They underscore the continuous effort to maintain a balance between central authority and state autonomy, uphold fundamental rights, and strengthen the democratic fabric of India. The amendments illustrate how the Constitution has evolved to meet the changing needs of Indian society while preserving its core values and principles.

CONCLUSION

In conclusion, the comparative analysis of key constitutional amendments in India underscores the dynamic nature of the country's governance framework. From addressing socio-economic inequalities to strengthening democratic institutions and balancing powers between branches of government, these amendments reflect India's ongoing journey towards a more inclusive and responsive democracy.

Despite varying contexts and objectives, these reforms collectively demonstrate the Indian Constitution's adaptability and resilience in meeting the evolving needs and challenges of a diverse nation.[7] While some amendments have reinforced democratic principles and civil liberties, others have aimed at promoting economic modernization and decentralization.

Through continuous reform, India strives to uphold its commitment to justice, equality, and democratic governance, ensuring that its

constitutional framework remains relevant and effective in safeguarding the rights and aspirations of its citizens. As India continues to navigate complex socio-political realities, these constitutional amendments serve as milestones in its quest for a more equitable, prosperous, and democratic society.

REFERENCES

1. Basu, Durga Das. (2018). Introduction to the Constitution of India. LexisNexis. 17-19
2. Austin, Granville. (1966). The Indian Constitution: Cornerstone of a Nation. Oxford University Press. 112-114.
3. Bhargava, Rajeev. (2009). Politics and Ethics of the Indian Constitution. Oxford University Press. 31-32.
4. Choudhry, Sujit, Khosla, Madhav, & Mehta, Pratap Bhanu (Eds.). (2016). The Oxford Handbook of the Indian Constitution. Oxford University Press. 66-71.
5. Jain, M.P. (2018). Indian Constitutional Law. LexisNexis. 47-48.
6. Pandey, J.N. (2019). Constitutional Law of India. Central Law Agency. 188-191.
7. Singh, Mahendra Pal. (2015). Indian Constitutional Law. LexisNexis. 121